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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,668	02/23/2004	George E. Platzer JR.	PLG 0103 PUSP	2315
22045	7590	11/01/2005		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
			EXAMINER AMARI, ALESSANDRO V	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/784,668	Applicant(s) PLATZER, GEORGE E.	
	Examiner Alessandro V. Amari	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-25 is/are allowed.
- 6) ☒ Claim(s) 13, 14 and 17 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/10/05 & 1/14/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 14 October 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13, 14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Boddy et al US 6,919,796.

In regard to claim 13, Boddy et al discloses (see Figures 4, 5A-C, 6) an automotive outside rearview mirror assembly comprising a main viewing mirror (32) having a generally planar reflective surface including a cut-out region (36) in the upper and outer quadrant of the main viewing mirror as shown in Figure 4, and an auxiliary blindzone viewing mirror (50) inserted into the cut-out region of the main viewing mirror for attachment to the main viewing mirror, the auxiliary blindzone viewing mirror having a lip (see projecting edge in lower part of Figures 5A and 5B) about at least a portion of

the outer periphery of the auxiliary blindzone viewing mirror for engaging the surface of the main viewing mirror as shown in Figure 4 and as described in column 4, lines 12-50.

Regarding claim 14, Boddy et al discloses (see Figures 4, 5A-C, 6) that the auxiliary blindzone viewing mirror comprises a convex reflective surface, the convex surface having a radius of curvature and a magnification less than that of the main viewing mirror, the auxiliary blindzone viewing mirror being shaped and positioned for viewing primarily only a driver's blindzone encompassing the region between the outer limit of the viewing angle of the main viewing mirror and the rearward limit of the driver's peripheral vision when the driver is looking at the main viewing mirror as described in column 4, lines 42-45.

Regarding claim 17, Boddy et al discloses (see Figures 5A-C) that a portion of the lip defining the inboard edge of the auxiliary blindzone viewing mirror is canted to obscure the reflection of the auxiliary blindzone viewing mirror in the main viewing mirror as shown in Figures 5A-5C.

Allowable Subject Matter

4. Claims 18-25 are allowed.
5. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 15 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "that the auxiliary blindzone viewing mirror is at

least partially recessed such that a portion of the convex surface lies below the surface of the main viewing mirror” as set forth in the claimed combination.

Claim 16 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, “that the auxiliary blindzone viewing mirror is fully recessed such that the convex surface lies generally below the surface of the main viewing mirror” as set forth in the claimed combination.

Claim 18 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, “a case for retaining the both the main viewing mirror and the auxiliary blindzone mirror; and a lip provided along the inboard edge of the auxiliary blindzone viewing mirror, the lip overhanging the surface of the main viewing mirror to help retain the main viewing mirror within the case, the lip having a canted surface for obscuring the reflection of the auxiliary blindzone viewing mirror in the main viewing mirror” as set forth in the claimed combination. Claims 19-25 are also allowable based upon their dependence on claim 18.

The prior art of record teaches an automotive outside rearview mirror assembly comprising a main viewing mirror having a generally planar reflective surface including a cut-out region in the upper and outer quadrant of the main viewing mirror, and an auxiliary blindzone viewing mirror inserted into the cut-out region of the main viewing mirror for attachment to the main viewing mirror and the auxiliary blindzone viewing mirror having a lip about at least a portion of the outer periphery of the auxiliary blindzone viewing mirror. However, the prior art does not teach that the auxiliary blindzone viewing mirror is at least partially or fully recessed such that a portion of the

convex surface lies below the surface of the main viewing mirror or that the lip overhanging the surface of the main viewing mirror to help retain the main viewing mirror within the case, the lip having a canted surface for obscuring the reflection of the auxiliary blindzone viewing mirror in the main viewing mirror and there is no motivation or teaching to modify this difference as derived.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avaMh
28 October 2005

Alessandro Amari
Alessandro Amari
Examiner AU2872